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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,415	07/06/2001	Grover M. Blackwell	2111.001	4993

7590 05/18/2005

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EXAMINER

HORTON, YVONNE MICHELE

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/900,415

Applicant(s)

BLACKWELL ET AL.

Examiner

Yvonne M. Horton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 31,32 and 40 is/are allowed.
- 6) ☒ Claim(s) 33-39 AND 41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 33-38 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #3,978,614 to GOLDHABER in view of US Patent #3,762,988 to CLOCK et al. In reference to claims 33 and 41, GOLDHABER discloses a window covering (as shown in Figures 14 and 16) and element (200) in Figure 1, including first and second stiles (32,220) that holds a plane of material (22,222) wherein the first/second stiles (32,220) includes a first side (34) that contacts a first plane of the material (22,222) on a top surface thereof, a second side (36) that contacts a second plane of material on a bottom surface thereof, and a third side (38) that wraps around a third side of the material, see figure 9 and 15. GOLDHABER discloses the basic claimed external widow covering except for having a material consisting of a first and second plane of material bonded by a third plane of material. CLOCK et al. teaches that it is known in the art to provide a window arrangement with a first plane of material (6) and a second plane of material (8) bonded by a third plane (2) bonded by adhesives, column 4, lines 20-22. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the structure of GOLDHABER with the laminate of CLOCK et al. in order to provide the exterior window structure of GOLDHABER with good safety glass quality, good elongation, good tear strength, and cut-through resistance. Regarding claims 34 and 35, GOLDHABER teaches forming

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the third plane of material out of a polycarbonate, column 6, line 57, which is an art recognized thermoplastic material. In reference to claim 36, the first and second stiles (32,220) have the same length. Regarding claims 37-38, although CLOCK et al. does not specifically teach the use of polyvinyl first and second planes of material, he does teach the forming his first and second (3,4) planes of material out of a polymeric material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to select a known material on the basis of its suitability for the use intended. The plane of material disclosed by GOLDHABER is only a single plane of material; however, it too would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the single plane of material of GOLDHABER with the triple plane of material, as taught by CLOCK et al., in order to form a window that not only strong, but that is also virtually tear resistant and distributes loads effectively. Further, the material selection depends upon the environment in which the window is going to be used. For instance, if the window is going to be employed in a police vehicle, perhaps a polymer highly resistant to breakage during impact whereas a polymer that is capable of variations in temperature might be use in areas that have significant daily temperature changes. Regarding claim 41, the structure of GOLDHABER further includes hinges (207).

Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #3,978,614 to GOLDHABER in view of US Patent #3,762,988 to CLOCK et al. as applied to claim 33 above, and further in view of US Patent #6,534,152 to FREEMAN. GOLDHABER, as modified by CLOCK et al. discloses the basic claimed

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structure except for the material thickness being uniform. FREEMAN teaches that it is known in the art at the time the invention was made to form multiple planes of material (232,234) that do not have a uniform thickness, column 1, line 61. It would have been obvious to one having ordinary skill in the art at the time the invention was made to select a known material on the basis of its suitability for the use intended. The plane of material disclosed by GOLDHABER is only a single plane of material; however, it too would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the single plane of material of GOLDHABER with the triple plane of material, as taught by CLOCK et al., in order to form a window that not only strong, but that is also virtually tear resistant and distributes loads effectively. Further, the material selection depends upon the environment in which the window is going to be used. For instance, if the window is going to be employed in a police vehicle, perhaps a polymer highly resistant to breakage during impact whereas a polymer that is capable of variations in temperature might be use in areas that have significant daily temperature changes. GOLDHABER also discloses the first plane of material (3) and the second plane of material (4) being secured to the core (2) by an adhesive (not labeled), column 8, lines 52-57 and 61-63. Hence, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the planes of material of GOLDHABER, as modified by CLOCK et al., in order to reflect images such that they are superimposed upon one another; thereby improving the image displayed thereon. A lot of windows give double images of display sources. FREEMAN teaches that

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tapering the planes of materials decreases double images and limits ghost imaging.

Regarding claim 26, the stile (220) of GOLDHABER is a linear channel.

Allowable Subject Matter

Claims 31,32 and 40 are allowed.

Response to Arguments

Applicant's arguments filed 2/16/05 have been fully considered but they are not persuasive. In response to the applicant's argument that the structure of GOLDHABER is not an exterior window covering, clearly, in column 2, lines 29-33, 53-56 and 59-60 lines, GOLDHABER details that his cover is secured window or door cover.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a covering of superior strength and complying with ASTM standard E1886, E1996 and E 330) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (571) 272-6845. The examiner can normally be reached on 6:30 am - 3:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Yvonne M. Horton
Art Unit 3635
5/16/05